

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Offender under Supervision

Name of Offender: James Russell Windy Boy

Case Number: 0868 1:18CR00123

Name of Sentencing Judicial Officer: Daniel L. Hovland, U.S. District Court Judge

Date of Original Sentence: September 16, 2019

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone

Original Sentence: 12 months and 1 day imprisonment; 3 years supervised release

Type of Supervision: TSR

Date Supervision Commenced: 6/12/2020

Asst. U.S. Attorney: Rick L. Volk

Defense Attorney: Stormy R. Vickers

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|---|
| 1) | On July 06, 2020, the defendant tested positive for fentanyl and ethyl glucuronide (alcohol) and admitted to its use. <i>This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.</i> |
| 2) | On August 20, 2020, the defendant tested positive for fentanyl and admitted to its use. <i>This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.</i> |
| 3) | On October 13, 2020, the defendant provided a drug screen that tested positive for fentanyl. This was confirmed by Alere Toxicology on October 18, 2020. <i>This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.</i> |
| 4) | On November 4, 2020, the defendant provided a drug screen that tested positive for fentanyl and admitted to its use. <i>This is in violation of his special condition number one</i> |

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(1) which states he shall totally abstain from the use of alcohol and illegal drugs.

- 5) On January 28, 2021, the defendant refused to provide a drug screen as directed. *This is in violation of special condition number two (2) which states you must submit to drug/alcohol screens as directed.*
- 6) On March 18, 2021, a call for service was received from Mountrail County stating that the defendant had stopped breathing due to a drug overdose and was transported to the hospital by an ambulance. *This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*

U.S. Probation Officer Recommendation: It is respectfully recommended that a warrant be issued for the arrest of James Windy Boy and hearings be held to determine if he has violated the terms and conditions of his supervised release.

☒ The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2021

/s/ Travis J. Dienslake
U.S. Probation Officer Assistant

THE COURT ORDERS:

- ☐ No Action.
- ☒ The Issuance of a Warrant/Matter Sealed Pending Arrest.
- ☐ The Issuance of a Summons.
- ☐ Other



Signature of Judicial Officer

3/18/2021

Date